



U.S. Department of Justice

United States Attorney  
Southern District of New York

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United States District Courthouse  
300 Quarropas Street  
White Plains, New York 10601

May 14, 2019

**BY ECF AND EMAIL**

The Honorable Nelson S. Román  
United States District Judge  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601

**Re:                    *United States v. Okparaekwe*, S3 17 Cr. 225 (NSR)**

Dear Judge Román:

The Government respectfully writes in response to the defendant's May 14, 2019 letter asking the Court to compel disclosure of the Government's 3500 materials, exhibits, and any expert reports by July 1, 2019.

On January 30, 2019, the Government provided its expert notice to the defendant. The Government's expert notice included all expert reports in the Government's possession. The Government will promptly disclose any other expert reports that may be prepared in advance of trial.

With respect to the defendant's request for early disclosure of 3500 materials and trial exhibits, the Government respectfully requests that the Court deny the defendant's motion and enforce its previously set order of February 5, 2019 setting all trial-related deadlines, including a deadline of October 8, 2019 for the production of 3500 materials and a deadline of October 1, 2019 for the production of trial exhibits. The deadlines set by the Court conform to both the law and common practice in this District. *See, e.g., United States v. Trippe*, 171 F. Supp. 2d 230, 237 (S.D.N.Y. 2001) ("The usual practice in this district is that the Government agrees to make impeachment information available to the defense at the same time as Jencks Act material, that is, at least one day before the Government witness is called to testify"); *United States v. Davis*, No. 06 Cr. 911 (LBS), 2009 WL 637164, at \*14 (S.D.N.Y. Mar. 11, 2009) (describing defendant's request for early disclosure of Jencks Act material as "baseless[,] as courts cannot compel, over Government objection, the disclosure of Jencks material prior to the witness' testimony on direct examination").

GEOFFREY S. BERMAN  
United States Attorney

cc: Clinton Calhoun, Esq. (by ECF)  
Chukwuemeka Okparaeke (by mail)